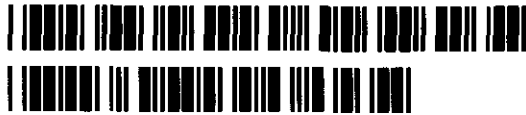


The Honorable _____



11-CV-05470-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HYDRO SYNTEC CHEMICALS, INC.,

Plaintiff,

v.

CHINOOK VENTURES, INC. d/b/a CHINOOK
VENTURES LV, a Nevada corporation;
MILLENNIUM BULK TERMINALS
LONGVIEW, LLC, a Delaware corporation;
RITCHIE BROS. AUCTIONEERS (AMERICA),
INC., a Washington corporation; COLIN TURK
ARMOUR; BARRY OLIVER; and JASON
OLIVER,

Defendants.

NO. CV11-5470 RBL

**ORDER GRANTING
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

THIS MATTER came before the Court on Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction and Order to Show Cause.

The Court considered the following:

1. Plaintiff's Complaint for Damages and Injunctive Relief and exhibits thereto;
2. Declaration of Stephen Horn and exhibits thereto;
3. Declaration of George Mead with any attached exhibits; and
4. Such other materials as have been submitted to the Court.

Based on the argument of counsel and the evidence presented, the Court finds that:

ORDER GRANTING TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE - 1



1 1. Plaintiff Hydro Syntec Chemicals, Inc. has a contract recorded on the real
2 property which provides that Hydro Syntec and defendant Chinook Ventures shall have
3 mutual obligations in continuing and operating a chemical storage facility at the Longview,
4 Washington port. Hydro Syntec fully performed, but Chinook Ventures failed to perform.

5 2. Plaintiff has demonstrated a substantial likelihood of success on the merits of
6 its claims. Plaintiff has a recorded contract which provided constructive notice to defendant
7 who also had actual notice of plaintiff's contract rights. Plaintiff has shown a substantial
8 likelihood of success on the merits that the contract was breached.

9 3. The threatened injury to plaintiff outweighs any potential harm to the
10 defendants.

11 4. The granting of this Order would not be adverse to the public's interest.

12 5. Plaintiff has offered evidence that defendant Chinook Ventures, and its
13 owners, are non-residents of Washington and there is a substantial likelihood of funds being
14 transferred out of the state and country and evidence that plaintiff has been, and still is being
15 damaged by the breaches of contract and fraud.

16 6. Plaintiff has suffered, and is suffering, irreparable harm because of the
17 damages it continues to incur and the fact that the funds will likely be removed from the
18 country unless this Order is entered.

19 Based on the above findings, IT IS ORDERED that:

20 1. Plaintiff's Motion for a Temporary Restraining Order is GRANTED.
21 Defendants, their agents, servants, employees, attorneys, and all persons in active concert and
22 participation with them are immediately enjoined from transferring any funds from any
23 auction of Chinook Ventures or any of its owner's equipment and further enjoined from
24 removing the equipment from the auction or from Ritchie Bros. Ritchie Bros. shall
25
26



1 immediately deposit all net auction proceeds from the sale of any Chinook Ventures or its
2 owner's equipment into the registry of the Court.

3 2. Defendants shall preserve, protect, and maintain all hard copies and electronic
4 data compilations, whether stored in computer memory, or otherwise, of all emails and other
5 documents relating to this real property, relating to plaintiff's contract and relating to any
6 contracts or negotiations between Chinook, the Olivers and Millennium. Defendants shall
7 further preserve, protect, and maintain all communications, whether written or electronic,
8 between themselves and with plaintiff.

9 3. Defendants shall appear before the Court on the 24th day of June;
10 2011, at 10 a.m./p.m., or as soon thereafter as counsel can be heard, at the United
11 States District Court, Union Station Courthouse, 1717 Pacific Avenue, Tacoma, Washington,
12 and show cause why an Order granting preliminary injunction should not be entered pursuant
13 to Fed. R. Civ. P. 65(a).

14 4. Plaintiff shall ~~not~~ be required to post ^a ~~any~~ bond at this time, *in the amount of \$20,000.* RBL

15 5. Plaintiff Hydro Snytec shall be entitled to the followed expedited discovery
16 pursuant to FRCP 26(d)(4):

- 17 • Defendant Chinook Ventures and Millennium Bulk Terminals Longview, LLC
18 shall within 5 business days of this Order produce copies of the final executed
19 version of the Agreement between the parties, as well as all drafts of the
20 Agreement;
- 21 • Defendant Chinook Ventures shall identify within 5 business days of this
22 Order all assets with a fair-market value over \$10,000 that are currently within
23 Washington state; and
- 24 • Defendant Chinook Ventures and Millennium Bulk Terminals shall be required
25 to designate representatives to appear for a FRCP 30(b)(6) which notice
26



1 plaintiff shall email to defendants Chinook Ventures and Millennium within 3
2 days. The 30(b)(6) deposition shall be scheduled to convene within 10 days of
3 this Order in Seattle, Washington.

4 DATED this 20th day of June, 2011, in Tacoma, Washington.

5
6 
UNITED STATES DISTRICT JUDGE

7 Presented by:

8 THE MEAD LAW FIRM PC

9 By _____
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ORDER GRANTING TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE - 4

